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No. _____

Supreme Court, U.S.
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JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

October Term, 1987

In re Edward J. Arlt and wife, Carol A. Arlt;
Petitioners,

---

on a Writ of Prohibition to the United States
District Court for the Northern District of Texas,
Fort Worth Division,
Judge David O. Belew presiding;
Respondent.

PETITION FOR A COMMON LAW WRIT OF PROHIBITION

Edward J. Arlt
67th Judicial District of Texas
5th Judicial Circuit of the Union
1501 Tyler Street
Arlington, Texas
Petitioner - In Propria Persona,
Sui Juris

60 pp

QUESTIONS PRESENTED FOR REVIEW

The Petitioners present herein constitutional questions which demand full judicial cognizance. However, the United States District Courts and the Appellate Courts are not in possession of any accessible judicial power that would permit them to reach these questions. Therein lies a conflict of law, jurisdiction and separation of powers that merits the judicial cognizance of this Court in its appellate capacity.

QUESTION NO. 1
WHETHER CONGRESS MAY CONSTITUTIONALLY DIVEST ALL THE INFERIOR COURTS CREATED UNDER ARTICLE III OF JUDICIAL POWER

Can Congress presume to create courts under the constitutional mandate of Article III, Section I, and then omit to vest those Courts with full judicial power (when the Constitution says "shall")? Can Congress, by that means, lawfully subvert the judiciary to its will and destroy it as a

separate branch of government? Can Congress, by fiction and fraud, deny the Petitioners all access to their natural rights and the common law due process mandated to them by the original Constitution and its Bill of Rights and, by that same means, prevent the fiction, fraud and deprivation from ever becoming a subject for judicial cognizance?

This question squarely addresses the deprivation of judicial review imposed upon the Petitioners by the, unconstitutional omission of Congress and the resulting derogations of their natural rights resulting therefrom.

QUESTION NO. 2
WHETHER THE 13TH AND 14TH AMENDMENTS ARE REPUGNANT TO ARTICLE V.

Can Congress and the several State Legislatures usurp unto themselves the authority to amend the Constitution when that amendment results, or will result, in an expansion of the legislative power?

Can the Amendment process under Article V, which was intended solely for purposes of adding "further declaratory and restrictive clauses" (as evidenced by the first twelve amendments), become the vehicle utilized by Congress for expansion of its power; the end intended being the overthrow of the original Constitution and the form of government ordained and established by "We the People" as declared in the Preamble? Can Congress, by usurpation of Article V, empower itself to create citizens of its own and by that means purport to add another entity to the political body? Can Congress then use that act of creation as a means of displacing and destroying the sovereign and political body ordained and established by the original Constitution? and impose its citizens upon the States?

These questions presented for judicial cognizance frame the obvious conflict of the 13th, 14th et seq Amendments with the

original Constitution (1787) and its Bill of Rights (1791). It teeters on Article V and again addresses deprivation of judicial review brought about through the unconstitutional expansions of legislative power brought into being by those purported Amendments. The question further addresses the resulting deprivation of the Petitioners' inheritance of sovereignty; violations of Article I, Sections 9 and 10; Article 4, Section 4; and the wholesale repugnance to Articles 9 and 10 of the Bill of Rights brought about by the purported Amendments.

QUESTION NO. 3
WHETHER STATUES ENACTED UPON THE PURPORTED AUTHORITY OF SUCH USURPTIONS HAVE ANY EFFECT OR FORCE

Petitioners present the question of the constitutionality of the statutes purporting to confer jurisdiction and impose duties when their source is itself unconstitutional. Can the fruit of the

poisoned tree be any less poisoned than the tree itself?

QUESTION NO. 4
WHETHER THE PETITIONERS ARE CITIZENS ACCORDING TO THE PREAMBLE AND WHETHER THAT CITIZENSHIP, LIKE THE UNION, IS PERPETUAL

Are the Petitioners citizens according to the Preamble or by some other means? Could the District Court lawfully refuse to receive evidence on this point when it is determinative of both liability and jurisdiction? Was the original citizenship according to the common law destroyed by the advent of the purported 14th Amendment?

Petitioners present the question of whether the common law citizenship of the States and the Union as ordained, established and intended in the Preamble, could have in any fashion whatsoever been displaced or nullified by the purported 13th and 14th Amendments. Petitioners present the question of whether the original Constitution and the Bill of Rights are perpe-

tual. If so, then can any statutory fiction or pretext serve to suppress or destroy the citizenship intended by that Constitution? Are the several State Constitutions, having been altered to delete "free white" and bring them into compliance with the purported 14th Amendment, now repugnant to the Constitution for the United States of American (1787)? Are the State Constitutions in violation of both the Preamble and Article 4, Section 4? Can that situation hinder or prevent the Petitioners from asserting the fact of their race and claiming the natural citizenship appropriate thereto (and implications thereof) embodied in the Preamble and protected by the 9th Article of the Bill of Rights (1791)?

QUESTION NO. 5
WHETHER SOCIAL SECURITY, AS A PRETEXT FOR ATTACHMENT TO 14TH AMENDMENT CITIZENSHIP, IS A FRAUD

Is Social Security the statutory mec-

hanism for conversion of citizenship from that of the Union to that of the District of Columbia pursuant to the 14th Amendment? Is the income tax an excise tax on the privilege of said 14th Amendment citizenship? Does Social Security create the liability for the tax? Did Congress reveal any of these attaching debilities and conditions when offering the implied contract of Social Security to "We the People". Petitioners present the question of whether the misrepresentation and concealment of the true terms, conditions and ramifications of that implied contract by Congress is fraud. Is the implied contract vitiated by the fraud. Is there any real assent under those conditons? Could the District Court properly refuse to hear evidence of the facts comprising the fraud? When such facts go to the jurisdiction of the Court? When such facts go to the liability for the tax in question?

QUESTION NO. 6
WHETHER SOCIAL SECURITY, AS A FICTIONAL ATTACHMENT TO 14TH AMENDMENT CITIZENSHIP, IS UNCONSTITUTIONAL

Petitioners present the question of whether or not Congress can constitutionally offer the implied contract of Social Security outside the "10 miles square" of the District of Columbia. Can Congress, by that pretext and fiction, extend its jurisdiction under Article I, Section 8, Clause 17, beyond the boundaries of the District of Columbia and over the entirety of the States? Can Congress constitutionally wield that fiction as a weapon against the States (and ultimately against the Union itself) and thereby deprive the States of their citizens, and hence, of their existence? Can Congress, by means of that legislative fiction and the usurpatious power emanating from the purported 13th and 14th amendments, reduce the States to mere legislative districts of the District of

Columbia?

Since the entire premise of Social Security embodies a change of status and a loss of natural rights and common law remedies (to a white person), can it be anything less than repugnant to the Preamble and the entirety of the Bill of Rights? Considering that the ultimate consequence of Social Security is the total destruction of the sovereign body of the Union as ordained and established by the original Constitution (1787), can its application outside the District of Columbia be anything less than repugnant thereto and destructive thereof?

QUESTION NO. 7
WHETHER THE PETITIONERS HAVE BEEN DENIED THE COMMON LAW DUE PROCESS RESERVED TO THEIR RACE BY THE 5TH AMENDMENT

The Petitioners being free white common law citizens of the Union pursuant to the mandate of the Preamble, can they be constitutionally denied a judicial trial

and subjected instead to a legislated procedure in a legislative tribunal? And as a result suffer seizure and sale of their property without benefit of a hearing, a jury or a trial? Can the Petitioners be constitutionally subjected to the statutory procedures and mode of trial appropriate to 14th Amendment citizens and other juristic persons when they are not of that ilk?

Can the Petitioners be systematically deprived of all redress (by the statutory acts and omissions of Congress designed to prevent their constitutional objections from becoming the subject of judicial cognizance) and simultaneously be considered to have received justice and the benefit of "due process" as known to the common law?

LISTING OF PARTIES IN THE CASE BELOW

The following entities and persons were named as parties in Case No. CA4-85-118K, filed in the District Court of the United States, Northern District of Texas, Fort Worth Division:

1) United States of America: Plaintiff

2) Edward J. Arlt and wife, Carol A. Arlt; Defendants

3) First Fidelity Mortgage Company: Edward J. Arlt and Jack Roach, Trustees of the New Jerusalem Trust; and Jack Roach, Ben Mudd, and Morgan Millican, Trustees of the Christian Research Trust; Defendants

In addition to Judge Belew, who is named as Respondent herein, the following authorities, agencies and officials of the United States of America have an interest in this case and are among those served with copies of this instant Petition:

1) The Solicitor General of the United States of America;

2) Mary Vance, the attorney for the United States in the case below;

3) Lawrence Gibbs, Commissioner, Internal Revenue Service:

4) Edwin Meese, the Attorney General for the United States of America;

5) The Secretary of the Treasury;

6) The Commissioner of Social Security; and

7) Jim Wright, Speaker of the House, U.S. House of Representatives.

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OPINIONS AND ORDERS IN THE COURT BELOW

The opinions, memorandums and Orders of the District Court on the issues raised in this Petition are attached hereto as Appendices A through F. They are as follows:

Appendix A: Order of the District Court denying the defendants' "Motion to Quash the Complaint for Lack of Jurisdiction over the Persons of the Accused", August 26th, 1986.

Appendix B: Order and Memorandum Opinion of the District Court imposing Summary Judgment, October 9th, 1986.

Appendix C: The Final Judgment of the District Court, December 16th, 1986.

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IN THE SUPREME COURT

OF THE UNITED STATES OF AMERICA

IN RE EDWARD J. ARLT & WIFE, CAROL A. ARLT

State of Texas]
: Affirmed
County of Tarrant]

I, Edward J. Arlt, being of lawful age and competent to testify hereby declare and affirm, upon my own personal knowledge, the truth of the following:

This Petition invokes the constitutionally vested jurisdiction of the Supreme Court under Article III. No legislative act or authority is required to authorize this Petition or relief sought herein. See U.S. v. Hudson, 7 Cranch 32.

Edward J. Arlt, speaking as himself and as his wife, as is his common law right, appears in propria persona, sui juris, and petitions this Court, sitting

"in law" (per Article III), for a writ of prohibition and a writ of error against the United States District Court for the Northern District of Texas, Fort Worth Division, Judge David O. Belew presiding, in order to prevent the continued unlawful exercise of a quasi-judicial function by said Court and the continued trespass of an unlawful and usurpatious legislative jurisdiction, maritime in nature, into the common law.

The Petitioners aver that they are both of the white race and common law citizens of the Union as ordained and established in the Preamble to the Constitution for the United States of America (1787) and as defined in Dred Scott v. Sanford, 19 How. 393. The Petitioners aver that they are inhabitants of the State of Texas with their permanent abode at 1501 Tyler Street, City of Arlington, Tarrant County, Texas, within the 67th Judicial District of the

State of Texas and within the 5th Judicial Circuit of the Union. Petitioner Edward J. Arlt, the author of this Petition, is a layman untrained in proceedural law and he requests, in the interests of justice, that the Court give wide latitude to the pleadings contained herein.

STATEMENT OF AUTHORITIES DEPENDED UPON FOR JURISDICTION

Article III, Section 1, of the Constitution for the United States of America (1787) specifically vests the judicial power of the Union in this:

> "Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish."

Section 2 of that same Article mandates that:

> "The judicial power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States... to all Cases of admiralty and maritime Jurisdiction; - to Controversies to which the United States shall be a Party..."

The Petitioners assert that it is that judicial power alone, as provided by Article III and the doctrine of separation of powers, which is herein invoked. Petitioners further assert that they, being common law de jure Citizens and members of the sovereign body as intended by the Preamble and as defined by the Supreme

Court in Dred Scott v. Sanford, 19 How. 393, have standing to invoke that jurisdiction, id est, jurisdiction "in law" emanating directly from Article III upon the appellate jurisdiction of the United States Supreme Court (any acts of Congress to the contrary not withstanding). This Court has always had authority and jurisdiction to prohibit intrusions of maritime jurisdiction into the common law. Bains vs. the James and Catherin, 2 Fed. Case No. 756.

It is asserted herein that the Supreme Court must exercise its judicial power in this case because Petitioners present constitutional questions that demand judicial cognizance. Since Congress has seen fit to vest the inferior courts it has created under Article III with only legislative power, that fact creates a conflict of law, jurisdiction and separation of powers which only this Supreme Court can address as a matter of judicial cognizance. This is

necessitated by the fact that the vesting of legislative power has rendered the judicial power in the inferior Courts ineffectual. See Ashwander vs. Tennessee Valley Authority, US 297, 288. Congress, having failed to fulfill the mandate of the Constitution to vest the jurisdiction set out in Article III, by unlawful vestation of legislative powers in the inferior courts created pursuant thereto, then it is appropriate and necessary that the Supreme Court (in its appellate capacity) exercise jurisdiction according to the Constitution (without a statute of Congress). The Petitioners hold that where Congress fails to exercise an authority made mandatory in the Constitution with respect to the establishment of the judiciary, then the Supreme Court must exercise its constitutionally vested jurisdiction. The same is true where Congress has committed an act to divest the judicial power where previously

vested; the lack of access to judicial power being the same result of both sets of circumstances.

The Petitioners aver that they have no other remedy. Neither the District Court nor the 5th Circuit Court of Appeals have authority to hear the constitutional issues raised by the Petitioners in objection to the District Court's exercise of a legislative power and territorial jurisdiction emanating from the alleged implied powers of Congress under Article I, Section 8, clause 17 (as expanded by the purported 13th and 14th et seq Amendments).

If there currently be any other Court in the land that can exercise the full constitutional power of Article III and hear the Petitioner's case, then Petitioners request the Supreme Court to direct them there. The All Writs Statute, 28 USC, Section 1651, is specifically <u>not</u> invoked in support of this Court's jurisdiction to

hear the instant petition. Petitioners exclude any statutory act of Congress as authorization for the Supreme Court to hear this Petition and assert that said All Writs Statute, if invoked, would act as a limitation upon the Supreme Court's judicial authority. Congress, having systematically divested all the inferior courts of judicial authority, cannot regulate the Appellate power in the Supreme Court. That is to say, Congress having purposely devastated and destroyed the judicial authority and remedies in the lower courts, it cannot presume to also regulate that which is specifcally preserved by the organic law for our safety and refuge in such instances.

In further support of this Court's jurisdiction to hear this instant Petition, The Petitioner's assert that the very existence of the Preamble and the Bill of Rights implies, even demands, the existence

of all the common law writs and guarantees the remedies sought herein. If Congress has the ability to legislate upon the remedies necessary to the maintenance of natural rights, then the rights themselves do not exist and the Constitution has been overthrown. Any legislation whatever by the Congress of the United States purporting to curtail, limit or grant specific authority to the Supreme Court to hear the common law writs is a usurpation of the judicial power. The Supreme Court has that power under Article III and Congress cannot legislate upon it! Further, any statute that purports to allow justices of the Supreme Court to refuse to hear a common law writ, and thereafter transfer same to a court that has no judicial power (or who's judicial powers are held in abeyance in favor of legislative powers vested by Congress in the inferior courts under the auspices of Article I, Section 8, Clause 17

and the 13th, 14th et seq Amendments), is destructive of the intent and purposes of the common law writs; that intent being to invoke the purely judicial powers of Article III.

It was not until after the usurpations of the Civil War amendments that Congress ever supposed it had power to regulate the discretion of the judicial power and to determine when said judicial power is competent to issue common law writs. Petitioners hold that if Congress can regulate the judicial power, then there is no judicial power. In such instances, then, Congress assumes a discretion which it does not possess. Such presumptious legislation by Congress interferes with the judicial discretion of the Supreme Court to determine whether or not relief is within the jurisdiction of the judicial power of the Court. Such legislation interferes with the administration of the judicial power by purpor-

ting to authorize judges and justices to commit treason against the Constitution in those instances where the writ is outside the purview of the statute, but simultaneously, inside the purview of the original Constitution for the United States of America and the judicial power thereunder.

Such legislative usurpations, attempting to bring the common law writs within the legislative power, are attempts to convert those remedies into actions called by the appropriate names but conveying none of the substance of the original. Having changed the content of the bottle, they never change the label thereon. Such statutory writs and authorizations pretend to be common law remedies but are not actually the remedies implied and mandated by the Constitution of 1781 and its Bill of Rights (1791). By this trickery and the usurpation of judicial power, foisted upon us by Congress, it is pretended that the

said mandate is satisfied, while in actuality Congress has attempted to abolish the true writ or remedy by a statutory fiction, the end intended thereby being to usurp further power unto itself. Thus, by citing the statute in support of jurisdiction, a natural person is tricked into actually denying the judicial power and invoking a legislative one instead. Thus, by citing the statute and the fiction embodied therein said natural person is unwittingly made the instrument of his own demise and that of the Constitution as well.

Petitioners hold that where the judicial power is, in fact, conferred directly by the Constitution for the United States of America, Congress is powerless to act. Further, when Congress has unlawfully acted, it is the providence and duty of the judicial power to note the usurpation and to uphold the intentions of the Constitution as originally adopted. This Supreme

Court must retain the judicial powers vested in it by Article III. The doctrine of separation of powers demands it. That principle is inherent in the Republican form of government guaranteed by the original Constitution (Article IV, Section 4). Congress is bound by the Constitution of 1787 to adhere thereto, the usurpation of the last 127 years notwithstanding, and any defaults or acts thereby violating the separation of powers (as well known to our Republican institutions) is within the power of the Supreme Court of the United States to deny, and in fact, must be denied as a duty under the Constitution of 1787. Marbury vs. Madison, 1 Cranch 137.

It is specifically noted that this petition is outside the purview of the purported 13th and subsequent Amendments. Petitioners Arlt are not citizens as contemplated by the 14th Amendment, nor do they hold any semblance of that character.

Petitioners disclaim absolutely all purported or inferred protections from the 13th and subsequent Amendments, and furthermore they totally and completely disclaim any contention, allegation, assertion or contemplation & c., that their basis for appellate jurisdiction in this Court arises out of Article I, United States Constitution, its provisions or the 13th or any subsequent Amendments, or that any of these serve as a basis of adjudication of the instant case.

As will be seen from the statement of the case; the Petitioners' citizenship is a matter of natural right as evidenced by the Preamble to the United States Constitution. They owe absolutely nothing to the 14th Amendment or the privileged citizenship which it purports to offer to those contemplated thereby. Van Valkenburg v. Brown, 43 Cal S.Ct (1872).

This disclaimer of the 13th and subse-

quent Amendments is made by the Petitioners to make clear their intention to completely exclude the provisions of those amendments from having any effect on this petition; the same being absolutely and constitutionally inapplicable to the Petitioners and this petition.

CONSTITUTIONAL PROVISIONS INVOLVED

The Preamble to the Constitution for the United States of America (1787):

> "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Article I, Section 8, Clauses 17 and 18:

> "To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;- And
>
> To make all Laws which shall be necessary and proper for carrying into Execution the **foregoing** Powers, and all other Powers vested by **this Constitution** in the Government of the United States, or in any Department or Officer thereof."

Article I, Section 9, Clauses 3, 4 and 8:

> "No Bill of Attainder or ex post

facto Law shall be passed.

No Capitation, or other direct Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken...

No Title of Nobility shall be granted by the United States..."

Article I, Section 10, Clause 1:

"No State shall... pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility."

Article III, Section I:

"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish...."

Article III, Section 2:

"The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority:...- to all Cases of admiralty and maritime Jurisdiction;-to Controversies to which the United States shall be a Party;..."

Article IV, Section 3, Clause 2:

"The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the

Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particuliar State."

Article IV, Section 4:

"The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion;..."

Article V:

"The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which, in either Case, shall be valid to all **Intents and Purposes**, as Part of this Constitution, when ratified by the Legislatures of three fourths of the several States, or by Conventions in three fourths thereof, as on or the other Mode of Ratification my be proposed by the Congress;..."

4th Article, Bill of Rights:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and par-

ticularly describing the place to be searched, and the persons or things to be seized."

5th Article, Bill of Rights:

"No person shall..be deprived of life, liberty, or property without due process of law..."

9th Article, Bill of Rights:

"The enumeration of the Constitution, of certain rights shall, not be construed to deny or disparage others retained by the people."

10th Article, Bill of Rights:

"The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

The purported 13th Amendment:

"Section I. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

Section 2. Congress shall have power to enforce this article by appropriate legislation."

The purported 14th Amendment:

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and

of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws...

Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article."

The purported 15th Amendment:

"Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation."

The purported 16th Amendment:

"The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration."

STATEMENT OF THE CASE

The Petitioners are the defendants named in a certain action entitled "United States of America, Plaintiff, vs. Edward J. Arlt, Carol A. Arlt, et al, defendants." being Cause No. CA4-85-118K in said District Court of the United States. The complaint was filed on the 25th of February, 1985, and it seeks to foreclose alleged federal tax liens upon the home of the named defendants, Edward J. Arlt and wife, Carol A. Arlt. Said complaint cites 28 USC, Sections 1340 and 1345 as well as 26 USC, Sections 7402 and 7403 as the basis for federal jurisdiction. The defendants challenged the jurisdiction of the Court at the outset and made special appearance for that purpose and continued in that mode throughout the course of the proceedings in the lower court.

The defendants entered numerous affidavits into the record asserting the perti-

nent and relevant facts of race and contract (or lack thereof) bearing on 1) the liability for the tax in question and 2) the jurisdiction of the Court. The action in the lower Court was a quasi-judicial proceeding invoking an alleged territorial jurisdiction of the United States Distirct Court pursuant to legislative power under Article I, Section 8, Clause 17. The complaint was initiated by authority of statutes founded upon the purported constitutional existence of the 13th, 14th and 16th Amendments and the jurisdictional attachment thereto created by alleged individual Social Security Account numbers on the part of the defendants therein, the instant petitioners. The case turned on the denial of the defendants Arlt that the District Court could lawfully impose that jurisdiction upon them and their assertion that the alleged Social Security Accounts were utterly vitiated by

fraud and unconstitutional. The Defendants Arlt therein averred that they were not "Citizens of the United States" pursuant to the 14th Amendment and were therefore not persons liable for the tax or the legislative jurisdiction which it inhabits. The Defendants further denied that they could be lawfully subjected to the legislative "due process" and quasi-judicial procedures emanating from the purported 13th and 14th Amendments (and enforced with respect to taxation by the usurpation imposed via the 16th Amendment). They asserted that such procedures were appropriate, if at all, only to the Citizens created by Congress in the District of Columbia, which they were not. For over 18 months the defendants petitioned the District Court for a hearing so that they could submit evidence, in the form of testimony and documents, in support of their factual assertions as to 1) their status and 2) the fraud worked

upon them via the Social Security implied contract. The defendants filed and urged a "Motion to Quash the Complaint for Lack of Jurisdiction over the Persons of the Accused" on July 14th, 1986. It was supported by many previously filed affidavits and documents from the record and numerous exhibits thereto. This motion, and many others filed into the record of the Court, raise the same objections to the District Court's exercise of jurisdiction as are asserted in this instant Petition. The District Court denied the Motion to Quash in an order dated August 26th, 1986. A true copy thereof is included as Appendix A hereto.

The District court eventually imposed Summary Judgment upon the defendants in retaliation for their assertion of common law rights in response to the Plaintiff's interrogatories and requests for admissions. The defendants asserted 1st and 4th

Amendment constitutional limitations upon the United States of America in response to each amd every government interrogatory and request for admissions. On October 9th, 1986, the District Court entered an Order and Memorandum Opinion imposing Summary Judgment upon the Defendants Arlt. See Appendix B. Arlt filed notice of Appeal on behalf of himself and his wife to the 5th Circuit Court of Appeals on December 3rd, 1986. On December 16th, 1986 the District Court entered a Final Judgment against the Petitioners herein foreclosing the said tax liens of the United States. See Appendix C. On January 26th, 1987, the District Court entered an Order of Seizure and Sale compelling the United States Marshall to seize and sell the Petitioner's home in order to satisfy said liens. See Appendix D. All without benefit of a hearing, a jury or a trial. The District Court refused repeatedly to receive evidence as to the averred

status of the defendants and the fraud worked upon them by the United States via the alleged Social Security implied contract. The opening brief on appeal was filed with the 5th Circuit on or about February 20, 1987, urging the same constitutional objections that are asserted in this present petition. The 5th Circuit eventually dismissed the appeal (on June 16th, 1987) for lack of jurisdiction (and citing an unresolved Rule 52(b) motion still pending in the District Court as the reason why). See Appendix E attached hereto. However, Arlt, in invoking the jurisdiction of the Appeals Court, had specifically cited only the Article III jurisdiction and excluded any authority whatsoever under the 14th Amendment for the exercise of review. This was apparently an underlying factor in the Appeals Court's dismissal.

The District Court subsequently

entered a denial of the Motion for findings of fact and conclusions of law on August 10th, 1987. see Exhibit F. By this time Arlt had realized that the constitutional issues raised could not receive judicial cognizance in the inferior courts. He has therefore entered this present petition to Justice White of the Supreme Court of the United States as his only available remedy.

Arlt therefore petitions this Court for a writ of prohibition and a writ of error to prevent the District Court's further exercise of jurisdiction over the persons and property of the common law petitioners and to seek full judicial review of the constitutional questions asserted herein.

SUMMARY OF THE ARGUMENTS RELIED ON FOR THE ALLOWANCE OF THE WRIT

The Petitioners assert that the proceedings in the lower Court and the resulting final judgment were exercises of legislative power emanating superficially from the 16th Amendment but actually originating in the 13th and 14th Amendments. The Petitioners are not persons subject to those Amendments and they know that Congress has endeavored to keep their constitutional objections to such exercises of legislative power from becoming the subject of judicial cognizance. Congress has accomplished this by divesting the inferior Federal Courts of all constitutional judicial power.

Further, the Petitioners hold that those Amendments are not a lawful part of the Constitution and that said exercise of legislative power pursuant thereto, in a quasi-judicial forum, was, and is, in dero-

gation of their common law rights and repugnant to the Constitution for the United States of America (1781- 1791), id est, the Constitution for the Union. Petitioners therefore assert that the District Court lacked jurisdiction of their persons and their property and could not lawfully have imposed judgment upon either.

POINT NO 1
CONGRESS CANNOT PRETEND TO CREATE COURTS UNDER ARTICLE III AND THEN OMIT TO VEST THEM WITH THE COMPLETE JUDICIAL POWER

In this regard, the Accused holds that the legislative jurisdiction being exercised by the inferior Courts in a quasi-judicial capacity is an unwarranted abuse of the Constitution. The Constitution demands that these Courts, having been created under the power of Article III, be vested with full judicial power to the exception of all other powers. The words "shall be vested" demand it. The Congress of the United States may not create a Court

under Article III and then omit to vest that court with jurisdiction in law as known to Article III (common law). Nor can Congress vest judicial powers in a Court created under Article III and subsequently divest that judicial power by adding legislative powers to it. The Act or omission is unconstitutional and destructive of the entire fabric of a Republican form of government. The retraction by the Congress of the United States of all common law (judicial) authority from the inferior federal Courts and the deletion (subsequent to the alleged adoption of the 14th Amendment) of "free white" from the sovereignty of all the State Constitutions has essentially nullifed the judiciary as a constitutional branch of government, both at the state and federal levels, thereby precluding the Petitioners from invoking the common law in these inferior courts and denying to them the common law due process

guaranteed to their race by the 5th Amendment. The omission by Congress is unconstitutional because it subverts the federal judiciary to the will of Congress, destroys the judiciary as a separate and independent branch of government, destroys the separation of powers and is repugnant to the Republican form of government mandated to the States by Article IV, Section 4, and to the Federal government by the entire intent and thrust of the original Constitution (1787). It does no good to have a judicial power that cannot be activated. No judiciary means no Republican form of government.

POINT NO.2
WHETHER THE 13TH , 14TH AND SUBSEQUENT AMENDMENTS ARE UNCONSTITUTIONAL AND USURPATIOUS

The question presented for judicial cognizance is the obvious conflict of the 13th, 14th et seq Amendments with the original Constitution. It teeters on

Article V and the deprivation of judicial review brought about through the unconstitutional expansions of legislative power brought into being by those Amendments. The deprivation of judicial review has resulted in the deprivation of the Petitioner's inheritance of sovereignty and violation of the prohibitions of Article I, Sections 9 and 10, as well as the complete derogation of the Petitioner's natural common law rights. By means of this usurpation, and others enumerated below, Congress has sought a position of unrestrained power in utter repugnance to, and destruction of, the organic law in general and Articles 9 and 10 of the Bill of Rights in particular. Congress is not a Parliament under the Constitution, but it has assumed the absolute power over the judicial branch that the Parliament of England has historically exercised. The Petitioner's hold that both the 13th and 14th Amendments are unco-

nstitutional expansions of the power of Congress and are repugnant to the intent and purposes of not only the Amendment process of Article V, but also the entire warp, woof and fabric of the organic law. If the 13th and 14th Amendments are nullities, then so too is the 16th, for its existence is predicated and dependent upon the previous amendments. That is to say, the 13th Amendment set the precedent for the usurpations inherent in Congress acting outside the District of Columbia and outside the constraints of the Constitution. When it goes all the rest will follow. Congress, under the rule of legislative discretion inherent in the power clauses of the 13th, 14th, et seq Amendments, has endeavored to enjoin the cognizance of the judicial power under guise of the rule that the judicial power cannot enter upon or determine an act of legislative discretion. See U.S vs. Rhodes, 1 Abb. U.S., 28 Fed.

Case No. 16,151 (1866), at page 793. The amendment process in accordance with Article V may only be used for the purpose of adding "further declaratory and restrictive clauses", not for the purpose of expanding the powers of Congress. The Congress was precluded and forbidden by both the Preamble and the Bill of Rights from proposing these amendments in the first place because the Preamble and the Bill of Rights are perpetual limitations upon not only Congress, but also upon the implied powers granted Congress under Article I. Only "We the People" in a full constitutional Convention could have adopted such measures against ourselves.

The respective legislatures in the several States have no power to ratify in derogation and destruction of the Constitutions that created them. Congress has no authority under Article I to create citizens of its own, much less to add to,

displace or destroy the sovereign and political body designated and declared in the Preamble. Nor did "We the People" ever vest the State legislatures with the power to add a new member to the sovereign and political body.

The tax in question is an excise tax on the "privilege" of 14th Amendment citizenship (and/or any other artificial capacity comparatively consistent therewith). If Congress had the lawful power to create such citizens, then obviously it also has the power to regulate and tax its creation. Petitioners deny, in the first instance, that Congress ever had the power to create citizens of its own and add another entity to the political body. Secondly, Petitioners deny that they, under any circumstances whatsoever, could be included among the juristic citizens so created. The Petitioners aver that they are not among that class of "persons" created by the Amendment

and made liable thereby for taxation in this mode. Further, Petitioners deny that said creations of Congress could be used to displace and destroy the ordained and established sovereign and political body. They deny that Congress had power to propose the Amendments to the States, that the State legislatures had power to adopt them, and assert that the amendments and anything that conforms to them are repugnant to the Constitution.

POINT NO. 3
WHETHER STATUTES ADOPTED PURSUANT TO SUCH USURPATIONS ARE NULL AND VOID

The statutes purporting to confer jurisdiction upon the District Court in the instant case, enacted upon the alleged authority of the power clauses in the 13th, 14th and 16th Amendments, and applied to the Petitioners upon the pretext and fiction of Social Security, are "the fruit of a poisoned tree" and are utterly unconstitutional as applied to the Petitioners.

The Amendments are the "evil tree" of usurpation and the statutes in question are the fruit thereof. The roots of the tree are falsely purported to be planted in Article V of the original Constitution, however, the tree receives no actual sustenance from the organic law for Article V is an intricate part of that soil. Therefore, when the evil tree is exposed directly to the whole of the soil purported to give it birth, in a forum exercising solely judicial powers thereof, it will die for lack of nourishment and be consumed by that soil (the organic law), as all dead things are.

POINT NO 4
WHETHER THE UNION AND THE COMMON LAW CITIZENSHIP THEREOF IS PERPETUAL

Petitioners assert that said unlawful act of creation by the Congress has become a primary means whereby Congress seeks to consolidate its power and bring into final effect the destruction of the States, the

destruction of our Republican form of government, and the destruction of the separation of powers mandated by the original Constitution. Petitioners hold that that usurpation has become a primary means whereby Congress seeks to overthrow completely the original Constitution (1787), and it Bill of Rights (1791), and replace it with one of its own fashioning (the purported 13th, 14th, and subsequent amendments) and achieve thereby a Parliamentary supremacy.

The common law Citizenship of the Union stated and delineated in the Preamble to the original Constitution (1787-1791) and reserved thereby to the white race was neither annulled nor canceled by the alleged adoption of the 14th Amendment. The Union of Republican States and the citizenship thereof, ordained and established by the Original Constitution, are perpetual. Texas vs. White, 7 Wallace 700,

724 to 726. Not one word, comma or period of the original Constitution (1787) and its Bill of Rights (1791) have ever been changed. Those words (including the term "Citizen") mean exactly today what they did in 1787-1791. The imposition of the 14th amendment upon the States by Congress and the subsequent deletion of the terms "free white persons" from all the State Constitutions (in violation of Article IV, Section 4) has not altered the ability of the Petitioners to claim and assert the common law citizenship mandated in the Preamble.

In this regard, the Petitioners are fully aware that it currently does no good to assert the common law Citizenship of one of the several States as a means of reaching and securing their natural rights because when the State Constitutions where changed to conform to the purported 14th Amendment they no longer recognized any entity who could claim and assert the

natural rights delineated therein. Obviously, the State Constitutions, as currently written, are repugnant to the Preamble and Article IV, Section 4. However, in this case, the Petitioners do claim the natural citizenship (and implications thereof) embodied in the Preamble and protected by the 9th Article of the Bill of Rights (1791).

POINT NO 5
WHETHER SOCIAL SECURITY IS BOTH A FRAUD AND UNCONSTITUTIONAL

The Social Security policy, account and implied contract of Social Insurance (being the statutory mechanism for conversion of Citizenship from that of the Union to that of the District of Columbia) was the fundamental nexus necessary to the District Court's assumption of territorial jurisdiction based on an alleged territorial sovereignty of the United States (id est, The District of Columbia) arising out of the implied powers of Article I, Section 8, Clause 17 and Article IV, Section 3,

Clause 2 of the Constitution for the United States of America (the Union) as purportedly expanded by the 13th, 14th and 15th Amendments. The Petitioners deny the existence of any such implied hazardous contract and assert that Social Security is both a fraud and unconstitutional by reason of utter misrepresentation and concealment of the true nature, terms and conditions thereof by the Congress of the United States. The Petititioners aver that there is not now, nor has there ever been, any assent on their part to the Social Security Accounts alleged to exist. Petitioners assert that all of the essential fact elements of the fraud worked upon them by the United States would have been proven by competent evidence had the court allowed a hearing.

The Petitioners hold that Social Security is unconstitutional outside the District of Columbia because, by its

implications and consequences, when extended into the States, it is an instrument of destruction wielded by congress against the States and ultimately against the Union itself. The States, having been deprived of citizens of their own by that statutory device, are reduced to mere legislative districts of the District of Columbia. By that legislative fiction the jurisdiction of Congress is now purported to extend over the entirety of the States in contravention of the doctrine of separation of powers; both between the branchs of the national government and between the national govenment and the governments of the Several States in the American Union. It is unconstitutional not only because it is the fruit of a poisoned tree (the 13th and 14th Amendments) but also because its very premise, the change in status and loss of natural rights and common law remedies when applied to white persons, is repugnant to

the Preamble and the entirety of the Bill of Rights. The ultimate goal of Social Security, acting upon the jurisdiction and premises of the 13th and 14th Amendments, is the destruction of the ordained and established sovereign body of the Union. Its consequences, as reflected in the decisions of this court, are proof enough of that destructive goal. Petitioner refers, of course, to this court's decisions on integration of the races and abortion, among many others.

For all the foregoing reasons then, the Petitioners assert that the District Court could not lawfully and justly treat them as though they were citizens, residents or subjects of the District of Columbia pursuant to the 14th Amendment.

The Petitioners, not being among those subject to the legislative power of the Congress of the United States, id est, being neither citizens, residents nor

subjects of the District of Columbia (via Social Security) are not persons within the meaning and contemplation of the statutes upon which the District Court purported to act. That is to say, the Petitioners are not and could not be among those addressed and intended by the terms "person" and "individual" as used therein.

The Petitioners are therefore not persons who can be lawfully subjected to the territorial jurisdiction of the District of Columbia exercised by the District Court pursuant to Article I, Section 8, Clause 17 and Article IV, Section 3, Clause 2 of the Constitution under the concept of the long arm jurisdiction. The Petitioners are not among those subject to the procedures and jurisdiction imposed under the legislative power, nor is their place of abode upon the soil or within any territory or possession of the District of Columbia.

POINT NO. 6
PETITIONERS HAVE BEEN DENIED THE COMMON LAW DUE PROCESS RESERVED TO THEM BY THE 5TH AMENDMENT

The Petitioners hold that they have been denied, and deprived of, the common law due process mandated to them and their race by the 5th Amendment. The District Court purports to have the power to seize and sell their property without benefit of a hearing, a jury or a trial. Petitioners assert that said proceedings were, and are, unconstitutional. They, being free white common law citizens of the Union pursuant to the mandate of the Preamble, have an absolute right to a judicial trail instead of one by legislated procedure in a legislative tribunal. The rights of the Petitioners did not originate in the Federal Rules of Civil Procedure nor are they regulated thereby. The Petitioners assert that they are entitled to all aspects of the common law due process mandated by the 5th

Amendment (without purview of the 13th, 14th and 15th Amendments, the Social Security Act or any of their counterparts) and the only Court in the land with the power intact to satisfy that constitutional requirement is this one. Petitioners are entitled to, among other things, the exclusion of all hear-say evidence and judgment by a common law jury of their peers, id est, 12 free white males (sans Social Security numbers and all the other accoutrements of 13th and 14th Amendment citizenship). Petitioners assert that had the case been before the judicial power and had they been allowed a full hearing before that power, they would have prevailed.

CONCLUSION

The Petitioners have been systematically denied the due process mandated to them by the 5th Amendment. This has been accomplished by both Congress and the several State legislatures acting in concert to not

only deprive them of their rights, their property, their liberty and even their natural citizenship (which bestows all the foregoing), but also to deprive them of all redress by preventing the question from becoming the subject of judicial cognizance.

The action in the District Court was without judicial power. However, the stated and averred status of the Petitioners demanded a proceeding replete therewith. The District Court could not lawfully subject the Petitioners to the procedures and mode of trial appropriate to the 14th Amendment when the Petitioners were not, and are not, of that ilk or subject thereto.

The constitutional questions raised in both the District Court and the 5th Circuit Court of Appeals as to the validity of the 13th and 14th Amendments under Article V also demanded judical cognizance which

neither court could provide.

RELIEF REQUESTED

THEREFORE, The Petitioners assert that the only remedy available to them is the instant Petition to this Court for review and relief. In keeping therewith Petitioners move this Court to issue an Order prohibiting the execution of the District Court's Summary and Final Judgments and subsequent Order for Seizure and Sale of their property. Petitioners further request this Court to vacate the said Judgments and Order of the District Court and to dissolve and annul the IRS liens on their property.

VERIFICATION

I, Edward J. Arlt, speaking as myself and as my wife, hereby affirm that all the foregoing facts are true to the best of my knowledge and ascertainment and that the asserted relationship said facts bear to the law is submitted in good faith.

Respectfully submitted and affirmed

this 8 th day of October, 1987.

Edward J. Arlt
67th Judicial District
1501 Tyler St.
Arlington, Texas
(817) 265-0126

We, the undersigned, witness this day that the one known to us to be the above signator did personally appear before us and upon affirmation execute and affix the above signature hereto.

Common Law Citizen of the Union

Common Law Citizen of the Union

Common Law Citizen of the Union

AFFIRMATION OF SERVICE

STATE OF TEXAS)
affirmed:
County of Tarrant)

I, Edward J. Arlt, being of lawful age and competent to testify, do hereby declare and affirm upon my own personal knowledge that I did this same day serve true and correct copies of the foregoing PETITION FOR A WRIT OF PROHIBITION AND WRIT OF ERROR with APPENDIX by placing same in the U.S. Mail, certified, post paid, and addressed to each of the following:

1. Solicitor General of the United States of America
(Certified No. 488202872)
Department of Justice
Washington, D.C. 20530
2. The attorney for the United States in Civil Case
No. CA4-85-118K, U.S. District Court, Northern
District of Texas, Fort Worth Division:
Mary Vance (Certified No. 488202873)
Rm 5031
1100 Commerce St.
Dallas, Texas 75242
3. David O. Belew, Judge (Certified No. 488202874)
U.S. district Court
201 U.S. Courthouse
10th and Lamar Streets
Fort Worth, Texas 76102
4. Lawrence Gibbs, Commissioner
(Certified No. 488202875)
Internal Revenue Service
1111 Constitution Ave. N.W.
Washington, D.C. 20224

5. Edwin Meese, the Attorney General for the United States of America
(Certified No. P488202876)
Constitution Ave and 10th St. NW
Washington, D.C. 20530
6. The Secretary of the Treasury
(Certified No P488202877)
15th & Pennsylvania Ave NW
Washington, D.C. 20220
7. The Commissioner of Social Security
(Certified No. P488202878)
Baltimore, Maryland 21235
8. U.S. House of Representatives
(Certifed Mail No.488202926)
Office of the Speaker, Jim Wright
Capitol Building - Room H-204
Washington, DC 20515

The foregoing is true and submitted in good faith. Further affiant saith not. Submitted this 8th day of October, 1987.

Edward J. Arlt
67th Judicial District
1501 Tyler St.
Arlington, Texas
(817) 265-0126

We, the undersigned, witness this day that the one known to us to be the above signator did personally appear before us and upon affirmation execute the above signature hereto.

Common Law Citizen of the Union

Common Law Citizen of the Union

Common Law Citizen of the Union

COPY

87 1005

No. _____

Supreme Court, U.S.
FILED
OCT 10 1987
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

October Term, 1987

In re Edward J. Arlt and wife, Carol A. Arlt;
Petitioners,

---

on a Petition for a Common Law
Writ of Prohibition

APPENDIX TO THE PETITION FOR A COMMON LAW WRIT OF PROHIBITION

Edward J. Arlt
67th Judicial District of Texas
5th Judicial Circuit of the Union
1501 Tyler Street
Arlington, Texas
Petitioner - In Propria Persona,
Sui Juris

BEST AVAILABLE COPY

1988 01 100

APPENDIX A

Order of the District Court denying the Defendants' Motion to Quash the Complaint for lack of jurisdiction over the persons of the Accused", August 26th, 1986.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

UNITED STATES OF AMERICA	)	
	)	
VS.	)	CIVIL ACTION NO.
	)	4-85-118-K
EDWARD J. ARLT, ET AL.	)	

ORDER

On this day came on to be considered the Motion of Edward J. Arlt, filed on his behalf and on behalf of his wife and co-defendant, Carol A. Arlt, to Quash the Complaint for Lack of Jurisdiction of the Persons of the Accused(sic). Having considered such motion and all submissions in support thereof, as well as all pleadings and motions of Plaintiff and Defendants on file herein, the Court is of the opinion that such Motion should be denied. Defendant Arlt asserts that there are two classes of United States citizens original de jure citizenship through the

organic common law and the original Constitution of the United States, and de facto citizenship created by the Fourteenth Amendment. Defendant Arlt further asserts that these two classes of citizenship have different rights and privileges, with the former being the higher class of citizenship, to which he and Mrs. Arlt as "free, white and Christian", belong. By virtue of such status, Mr. Arlt contends, he and Mrs. Arlt are not subject to the jurisdiction of this Court. The Court finds such contentions to be unsupported by law and without merit. Mr. and Mrs. Arlt, by their presence within the territorial jurisdiction of this Court are personally subject to such jurisdiction, if properly served with process according to Rule 4, Federal Rules of Civil Procedure. The Court finds that Mr. and Mrs. Arlt have been properly served and are properly before the Court, which has in personam jurisdiction.

The Court also finds that it has subject matter jurisdiction of this cause of action pursuant to Article III, Section 2, clause 1 of the Constitution of the United States, and SS1340 and 1345 of Title 28, U.S.C. Mr. Arlt contends that he and Mrs. Arlt re not subject to the Internal Revenue Code, Title 26, U.S.C. Nonetheless, such claim goes to the merits, and does not defeat jurisdiction of this Court, which as jurisdiction to determine the validity of such claim.

The Court notes here that Defendant Arlt has made several requests for an "evidentiary hearing" on this matter of citizenship, jurisdiction and the applicability of Title 26, U.S.C. to the Arlts. Upon a review of the applicable pleadings, motions and authority, the Court is of the opinion that such matters are in the nature of affirmative defenses to Plaintiff's claim for relief, and would be

more properly presented in the trial of this matter than in a pre-trial hearing.

It is therefore ORDERED that Defendant Arlt's Motion to Quash the Complaint for Lack of Jurisdiction over the Persons of the Accused(sic) is hereby DENIED.

IT IS SO ORDERED.

SIGNED this 26 day of August, 1986.

/s/ David O. Belew Jr.
DAVID O. BELEW, JR.
UNITED STATES DISTRICT JUDGE

APPENDIX B

Order and Memorandum Opinion of the District Court imposing Summary Judgment, October 9th, 1986.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

UNITED STATES OF AMERICA	)	
	)	
VS.	)	CIVIL ACTION NO.
	)	4-85-118-K
EDWARD J. ARLT, ET AL.	)	

SUMMARY JUDGMENT

For the reasons stated in the accompanying Memorandum Opinion of even date, summary judgment is GRANTED in favor Plaintiff United States of America.

IT IS SO ORDERED.

SIGNED this __9__ day of October, 1986.

/s/ David O. Belew Jr.
DAVID O. BELEW, JR.
UNITED STATES DISTRICT JUDGE

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

UNITED STATES OF AMERICA	)	
	)	
VS.	)	CIVIL ACTION NO.
	)	4-85-118-K
EDWARD J. ARLT, ET AL.	)	

MEMORANDUM OPINION

This matter is before the Court on Plaintiff's Motion for Summary Judgment.

Plaintiff seeks to reduce to judgment certain federal tax liabilities, to set aside as a fraudulent conveyance a transfer of real property by Defendants Arlt and foreclose federal tax liens against the property, and to obtain a deficiency judgment. Plaintiff basis its Motion for Summary Judgment and its assertion that no genuine issue of material fact exist on the failure of Defendant Carol Arlt to file responses to a request for admissions by Plaintiff and the assertion by Defendant

Edward Arlt of blanket objections to the request admissions. In addition, both Defendants Arlt made objections to a set of written interrogatories Plaintiff served upon each of them.

In response to Plaintiff's Motion for Summary Judgment, Defendant Arlt "speaking for and representing himself, his wife, (and) the (Defendant) Christian Research Trust" makes several contentions. First, Defendant Arlt claims a lack of in personam jurisdiction by this Court. This contention was addressed and overruled in the Court's Order of August 26, 1986 denying the Motion of Defendants Arlt to Quash the Complaint for Lack of Jurisdiction Over the Persons of the Accused (sic). Additionally, the questions raised by Defendants Arlt with regard to in personam jurisdiction have been decided by the courts and precedent does not support Defendants' position. Defendants' second

contention, that the Internal Revenue Service is without authority in this matter, has likewise been settled adversely to Defendants' position.

Defendants Arlt also contend that Plaintiff's requests for admissions are moot as Defendants filed an answer admitting or denying the matters raised by Plaintiff's Complaint. This is not a valid contention. Requests for admissions pursuant to Rule 36, Federal Rules of Civil Procedure, are a discovery tool separate and apart from a defendant's responsive pleading and each serves a different purpose. Defendants cannot justify their failure to properly respond to Plaintiff's requests for admissions by stating that they have filed an answer.

The remaining two two objections to the motion for summary judgment - that timely objections were filed to the interrogatories and requests for admissions and that

Defendants Arlt could not be compelled to make an oath - were addressed by the Court in the memorandum opinion entered on August 29, 1986. Defendants' objections were overruled, and pursuant to Rule 46(d), Federal Rules of Civil Procedure, the Court held that Defendants Arlt could make answers to the interrogatories under solemn affirmation in lieu of an oath. The Court ordered Defendants Arlt to file and serve upon Plaintiff full complete, and non-evasive responses and answers to Plaintiffs interrogatories and requests for admissions, and stated that if Defendants Arlt failed to comply with the order the matters inquired about in Plaintiff's interrogatories and requests for admissions would be taken as established in accordance with Plaintiff's claims for the purposes of this action in accordance with Rule 37(b)(2).

In response to the Order of August 29,

1986, Defendants Arlt filed and served "full, complete, and non-evasive responses" to Plaintiff's interrogatories and requests for admissions. Each response consists of the statement "I would object to the question (or request) and decline to answer based on the 1st and 4th amendment limitations upon the United States of America stated in the Bill of Rights." These objections were overruled in the order entered on August 29, 1986. Accordingly, pursuant to such Order and Rule 37(b)(2), the Court hereby determines that the facts inquired about in Plaintiff's interrogatories and requests for admissions are hereby found to be established in accordance with Plaintiff's claims for the purposes of this action, and this matter is ripe for summary judgment, as no genuine issue of material fact exists.

The question raised by Plaintiff

concerning fraudulent transfer is now moot. In a pleading entitled "Exceptions to the Order and Memorandum Opinion of the Court Compelling Further Answers to the Interrogatories and Requests for Admissions", filed on September 8, 1986, Defendant Edward J. Arlt stated that "(n)o trusts actually exist by law and the true owner of those various chattels and property currently recorded under the names of (the New Jerusalem Trust and the Christian Research Trust) is, in fact and law Edward J. Arlt." Accordingly, the Court finds that the transfers of title to the subject property were void and title to the subject property is vested in Defendants Arlt and that federal tax liens in the amount of $3,639.14 have attached to their interests. A summary judgment in favor of Plaintiff will be entered.

SIGNED this 9 day of October, 1986.

/s/ David O. Belew Jr.
DAVID O. BELEW, JR.
UNITED STATES DISTRICT JUDGE

APPENDIX C

Final Judgment of the District Court, December 16th, 1986.

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL NO.
	)	CA4-85-118-K
EDWARD J. ARLT,	)	
CAROL A. ARLT, AND FIRST	)	
FIDELITY MORTGAGE COMPANY,	)	
	)	
Defendants	)	
	)	
v.	)	
	)	
EDWARD J. ARLT and	)	
JACK ROACH, Trustees	)	
of the New Jerusalem	)	
Trust and Jack Roach,	)	
Ben Mudd, and Morgan	)	
Millican, Trustees of the	)	
Christian Research Trust,	)	
	)	
Defendants of Nominee	)	

FINAL JUDGMENT

In accordance with the Memorandum Opinion issued on October 9, 1986,

IT IS ORDERED, ADJUDGED AND DECREED that:

1. The plaintiff, United States of America, does hereby have and recover judgment against the defendants, Edward J.

Arlt and Carol A. Arlt, for the sum of $8,182.91 plus statutory interest and penalties from December 31, 1986 and plus interest according to law from date of judgment.

2. The tax liens of the United States are foreclosed against the property described as:

> All that tract or parcel of land lying and being in Lot 6 in Block 2, WEST HILLS ADDITION, an addition to the City of Arlington, Tarrant County, Texas, according to Plat recorded in Book 388-P, Page 1, Plat Records, Tarrant County, Texas and being commonly known as: 1501 Tyler Street, Arlington, Texas 76012.

3. The United States is entitled to seize and sell the property described above at public auction, in accordance with Title 28 S U.S. Code, Sections 2001 and 2002.

4. The United States is entitled to a deficiency judgment for any unsatisfied amount of tax liability.

Dated this 16 day of December, 1986.

/s/ David O. Belew Jr.
UNITED STATES DISTRICT JUDGE

APPENDIX D

The District Court's Order of Seizure and Sale, January 26th, 1987.

IN THE UNITED STATES DISTRICT COURT FOR THE

NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff	)	
	)	
v.	)	CIVIL NO.
	)	CA4-85-118-K
EDWARD J. ARLT,	)	
CAROL A. ARLT, AND FIRST	)	
FIDELITY MORTGAGE COMPANY,	)	
	)	
Defendants	)	
	)	
v.	)	
	)	
EDWARD J. ARLT and	)	
JACK ROACH, Trustees	)	
of the New Jerusalem	)	
Trust and Jack Roach,	)	
Ben Mudd, and Morgan	)	
Millican, Trustees of the	)	
Christian Research Trust,	)	
	)	
Defendants of Nominee	)	

ORDER OF SEIZURE AND SALE

WHEREAS, the United States of America, as plaintiff, on the 16th day of December, 1986, in the United States District Court for the Northern District of Texas, Ft. Worth Division, in Cause Number CA 4-85-

118-K in said Court, recovered a judgment as follows:

1. The plaintiff, United States of America, does have judgment in its favor foreclosing its federal tax liens as to all of the interest and claims of defendants, Edward J. Arlt and Carol A. Arlt.

2. The tax liens of the United States are foreclosed against the property described as follows:

> All that tract and parcel of land lying and being in Lot 6 in Block 2, WEST HILLS ADDITION, an addition to the City of Arlington, Tarrant County, Texas, according to Plat recorded in Book 388-P, Page 1, Plat Records, Tarrant County, Texas and being commonly known as: 1501 Tyler Street, Arlington Texas 76012.

3. The United States is entitled to a deficiency judgment for any unsatisfied amount of their tax liabilities.

It is therefore,

ORDERED that the United States Marshal, Northern District of Texas, is hereby commanded to seize and sell the property

described above at public auction, in accordance with Title 28 U.S. Code, Sections 2001 and 2002.

(a) Notice shall be published once a week for at least four weeks prior to the sale in at least one newspaper regularly issued and of general circulation Tarrant County, Texas. Said notice shall describe the property as set out above in paragraph 2 and shall contain the terms and conditions of sale as set out herein. Further, a copy of said notice of sale shall be mailed by certified mail and return receipt requested, to the last known address of the defendants as follows:

Edward J. Arlt
1501 Tyler Street
Arlington, Texas 76012

Carol A. Arlt
1501 Tyler Street
Arlington, Texas 76012

(b) The terms and conditions of sale shall be as follows:

(1) The property shall be sold as a

whole at public sale at the door of the Courthouse for Tarrant County, Ft. Worth, Texas.

(2) The United States may bid a credit against its judgment and interest thereon, costs and expenses without tender of cash, as provided by 31 U.S.C., Section 195.

(3) The terms of sale as to all other persons or parties bidding shall be cash as follows:

> The successful bidder, called purchaser herein, shall be required to deposit with the United States Marshal, cash equal to 20 percent of his total bid immediately upon the property being struck off and awarded to him as the highest and best bidder; and the remaining 80 percent of said purchase price to be paid on or before 5 p.m., ten days, inclusive, of the date of sale. Should any person bid off property at sale by virtue of this

judgment and Order of Sale, and fail to comply with the terms of the sale, he shall be liable to the plaintiff for 20 percent of the value of the property thus bid off as a penalty, besides costs, to be recovered in motion, five days notice of such motion being given to such purchaser and said deposit by purchaser shall be paid over and delivered to plaintiff to be applied toward payment of said penalty, but payment of said penalty by purchaser shall not be a credit on the judgment of plaintiff against the defendants, and should the property on second sale bring less than on the former, the defaulting purchaser at first sale shall be liable to pay the defendants at judicial sale all loss which they sustain, including the amount of the difference between the bid at the first sale and the bid

under which the property finally sold, to be recovered on motion;

(c) The United States Marshal shall make his report of sale within 10 days from the date of sale.

(d) If no objections have been filed in writing in this cause with the Clerk of this Court, by 10 a.m., 15 days inclusive, from date of sale, the sale shall be confirmed immediately thereafter without the necessity of motion, or upon motion of the plaintiff, the purchaser, or by the Court upon its own motion, and the United States Marshal shall be directed to deliver his deed to said purchaser.

(e) The United States Marshall shall apply the proceeds of sale first to expenses of sale, including the Marshal's commission, hen to the mortgage lien of First Fidelity Mortgage Co., then to plaintiff's court costs in this suit and then to satisfaction of the liens of the

United States of America in the amount of $8,182.91. If the property should sell for more than sufficient to pay off and satisfy said sums of money and liens then the United States Marshal shall pay over the excess to defendants, Edward J. and Carol A. Arlt. If the proceeds of such sale are insufficient to pay off and satisfy the judgment and the liens of the United States of America, interest thereon, and all costs, then the United States Marshal executing the Order of Sale shall take the money, or any balance thereof remaining unpaid, out of any other property of the defendants, Edward J. and Carol A. Arlt, as in the case of ordinary execution.

SIGNED this 26 day of January, 1987.

/s/ David O. Belew Jr.
UNITED STATES DISTRICT JUDGE

APPENDIX E

Judgment of the 5th Circuit Court of Appeals dismissing the Appeal for lack of jurisdiction, June 16th, 1987.

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 86-1865
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDWARD J. ARLT, and
CAROL A. ARLT,

Defendants-Appellants.

- - - - - - - - - - - - - - - -

Appeal from the United States District Court
for the Northern District of Texas

- - - - - - - - - - - - - - - -

(June 16, 1987)

Before RANDALL, WILLIAMS, AND GARWOOD,

Circuit Judges.

PERCURIAM:*

The appellants' motion for this appeal to be heard and decided by a panel composed

---

*Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

The appellants' motion for this appeal to be heard and decided by a panel composed only of "free white Christian males" is DENIED as frivolous.

The district court granted summary judgment in this civil action in an order entered October 10, 1986. In a separate document, a "Memorandum Opinion," the district court stated its reasons for granting summary judgment. The defendants moved for additional findings of fact and conclusions of law in a pleading served October 19, 1986, and filed the next day. See Fed. R. Civ. P. 52(b). Before the district court addressed the Rule 52(b) motion, the defendants filed a notice of appeal on December 3, 1987. On December 16, 1987, the district court entered final judgment.

The district court has not ruled on the Rule 52(b) motion.

The timely motion under Rule 52(b) for

additional findings and conclusions nullifies the notice of appeal filed before the motion is decided. Fed. R. App. P. 4(a)(4); Van Wyk El Paso Investment, Inc. v. Dollar Rent-A-car Systems, Inc., 719 F.2d 806, 807 (5th Cir. 1983). The appeal is DISMISSED. A new notice of appeal may be filed within the time prescribed by Fed. R. App. P. 4(a)(1) after the district court rules on the Rule 52(b) motion; an additional filing fee will not be required. See Fed. R. App. P. 4(a)(4).

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 86-1865
Summary Calendar

D.C. Docket No. CA-4-85-118-K

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

EDWARD J. ARLT, and
CAROL A. ARLT,

Defendants-Appellants.

Appeal from the United States District Court for the Northern District of Texas

Before RANDALL, WILLIAMS, AND GARWOOD, Circuit Judges.

JUDGEMENT

This cause came on to the beard (sic) on the record on appeal and was taken under submission of the briefs on file.

ON CONSIDERATION WHEREOF, It is now here ordered and adjudged by this Court that the appeal in this cause is dismissed for want of jurisdiction. IT IS FURTHER ORDERED

that if a new notice of appeal is filed within the time prescribed by Fed. R. App. P. 4(a)(1) after the district court rules on the Rule 52(b) motion no additional filing fee will be required.

IT IS FURTHER ORDERED that defendants-appellants pay to plaintiff-appellee the costs on appeal, to be taxed by the Clerk of this court.

June 16, 1987

ISSUED AS MANDATE: JUL 8 1987

OP-JDG-11

APPENDIX F

Order of the District Court denying the "Motion for Findings of Fact and Conclusions of Law", August 10th, 1987.

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF TEXAS

FORT WORTH DIVISION

UNITED STATES OF AMERICA	)	
	)	
VS.	)	CIVIL ACTION NO.
	)	4-85-118-K
EDWARD J. ARLT, ET AL.	)	

ORDER

This Court granted summary judgment in the above-referenced action in an Order entered on October 10, 1986. In a separate document, a "Memorandum Opinion", the Court stated its reasons for granting summary judgment. The Defendants filed a motion for additional findings of fact and conclusions of law in a pleading served on October 19, 1986, and filed the next day. See Federal Rules of Civil Procedure 52(b). After careful review, the Court finds that said motion is not well-taken and is hereby DENIED.

IT IS SO ORDERED.

SIGNED this 10 day of August, 1987.

/s/ David O. Belew Jr.
DAVID O. BELEW, JR.
UNITED STATES DISTRICT JUDGE

COPY

87 1005

No. _____

Supreme Court, U.S.
FILED
OCT 10 1987
JOSEPH F. SPANIOL, JR.
CLERK

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA

October Term, 1987

**In re Edward J. Arlt and wife, Carol A. Arlt;
Petitioners,**

---

on a Petition for a Common Law
Writ of Prohibition

MOTION FOR A FREE WHITE MALE CHRISTIAN BENCH

Edward J. Arlt
67th Judicial District of Texas
5th Judicial Circuit of the Union
1501 Tyler Street
Arlington, Texas
Petitioner - In Propria Persona,
Sui Juris

BEST AVAILABLE COPY

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Holy Bible (KJV), Psalms 1:5-6 14

Holy Bible (KJV), St. Matthew 10:32-33 . 18

[1/] *All authorities taken from Holy Bible are taken from the original text of the 1611 King James Version, with the exception that spelling is changed to modern English.*

Holy Bible (KJV), St. John 5:23. 13

Holy Bible (KJV), Zechariah 5:3. 14

OBJECT OF MOTION

Comes now Petitioner, Edward J. Arlt, in propria persona, sui juris, to move this honorable court, either by its order, or by individual recusal, to allow only free, white, Christian, male justices on the bench during all proceedings pertaining to the accompanying Petition for a Common Law Writ of Prohibition and this motion.

It is requested, consistent with the instant motion, that only free, white, Christian, male Justices hear Arlt's Petition and motion, because to proceed otherwise would, by implication, be a waiver of the Article III jurisdiction invoked by the Common Law Petition for a Writ of Prohibition filed herewith in this Court.

FACTS

The jurisdictional statement in Arlt's Petition for a Common Law Writ of Prohibition was transmitted to the clerk of the court, in accordance with the rules

thereof, on October 8th, 1987, and said case is now pending for docketing.

Petitioner is a free, white, Christian, male, a citizen as contemplated by the Preamble to the United States Constitution. His status as such, stands complete and unaffected by outside influence in the instant case. (See the Jurisdictional Statement in the Petition, pp. 4-15)

ARGUMENT

In the above entitled cause, as in all other instances Petitioners seek to God, His Son Jesus the Christ, and the Holy Spirit (as one) for the highest judgement. This is the firm conviction of Petitioners' conscience. This court being the highest mortal authority within the United States, the courts jurisdiction is best compliment-ed and retained when its justices hold this sentiment also.

It is petitioners firm conviction that

only those of the Christian faith by prayer and faith in, and guidance of, God almighty, in the Trinity, can make pure judgement in accord with the Laws of God upon which the United States Constitution was founded. The governments of the several United States of America, as well as that of their collective Union, are founded upon Christianity and the Laws of God ultimately incorporated therein. (viz, the laws of God are incorporated in both Christianity and our Constitutional Republic).

One of the Christian faith will "profess faith in God the Father, and in Jesus Christ His only Son, and in the Holy Ghost, one God for evermore and... acknowledge the holy scriptures of the Old and New Testiment to be given by divine inspiration," as stated in article 22 of the Original Constitution of the State of Delaware (1776).

According to the protections of the first

Article of the Bill of Rights, Petitioners retain the God given inalienable right to be judged in this mortal life by Gods people of the sovereign body and the body of Christ, white Christians.

The status of the Petitioners demands that the bench of this court must consist only of true members of the sovereign body in the United States to adjudicate the instant action. Said sovereign body is clearly designated in the Preamble to the United States Constitution and only includes free white natural persons born or naturalized within the jurisdiction of a State in the Union. (Dred Scott v. Sanford, 19 How. (60 U.S.) 393, (1857))

All those who claim the privilege of membership in the body which exercises the sovereignty in the United States (i.e. rights of the body politic, etc.), by authority of the 13th, 14th, and 15th amendments, or the 19th amendment, are not

citizens or members of the sovereignty except for by virtue of the fictional privilege created by those so-called amendments and the power of Congress of the United States purportedly extended thereby. Those recognized as citizens in the words "We the People" in the Preamble to the United States Constitution were citizens even before the adoption of the United States Constitution, and their posterity (those of the same blood) hold their citizenship sui juris (of their own natural right) as heirs to the natural rights of their forefathers and their race. Dred Scott v. Sanford, supra, 19 How at 426-427.

The United States Supreme Court, as constituted by Article III of the United States Constitution must consist only of "We the people" or members of their "Posterity". No non-citizen has the right to sit in judgement of a citizen, (Hill v.

People, 16 Mich. 352, (1868)), nor does a person that claims the rights of sovereignty (afforded by mere fiction or privilege) have the right, standing, or power to sit in judgement of a natural member of the sovereignty.

It is only by the power of Congress that certain "privileges" of sovereignty are exercised by those contemplated within purview of the 13th, 14th, 15th and 19th amendments. (13th am. sec. 2, 14th am. sec. 5, 15th am. sec. 2, 19th am. sec. 2). It is only the power of Congress that is purported to be extended by these amendments. (Ex p. Virginia, 100 U.S. 344, (1879)).

A privilege offered and exercised, and a natural right exercised sui juris, are of different character. The former is merely by the tolerance of the sovereign body, while the latter is the individual act of a member of the sovereignty. To say that a mere privilege could be exercised sui juris

would be contradictory, in essence a nullity.

If it be by power of Congress that one is a member of the judiciary, and if without that extension of Congress' power beyond the limitations of the original organic law said so called member of the judiciary could not constitutionally hold the judicial office of justice of the United States Supreme Court, then how is the tribunal to be considered an Article III (judicial) court when thus constituted?

In the instant case the Petitioners have invoked the jurisdiction of the this court as constituted and established under Article III of the United States Constitution, not the jurisdiction of a tribunal having officers appointed according to Article I section 8 clause 9 in conjunction with the 13th, 14th, 15th and/or 19th amendments. (Jurisdictional Statement pp. 12,14,16)

The principle of separation of powers inherent in the Original United States Constitution clearly dictates that for a court to be one as known to Article III of the United States Constitution no power of Congress can be execised by it during the course of the proceedings before it.

If this principle (seperation of powers) is not followed then the court having members at the behest of Congress, rather than the Preamble and article III of the Original Constitution, is reduced to a mere tribunal constituted under Article I section 8 clause 9 of the United States Constitution.

Petitioner has come to the United States Supreme Court to invoke the powers of the Judiciary not the powers of Congress. (Jurisdictional Statement)

As to petitioners motion for a Christian court, it must be noted that by unanimous decision of this court it has been deter-

mined that this is a Christian nation. In the case of Holy Trinity Church v. United States, (143 U.S. 471, (1892)) this court after mentioning various circumstances added,

> "these and many other matters which might be noticed, add a volume of unofficial declarations to the mass of organic utterances that this is a Christian nation."

By this courts own words it is this established religion (Christianity), the exercise of which cannot be interfered with according to the prohibition of the first article of the Bill of Rights.

The Preamble to the Bill of Rights clearly establishes the mischief to be prevented by the first and other Articles of the Bill of Rights.

> "The conventions of a number of the States, having at the time of their adopting the Constitution, expressed a desire, in order to **prevent misconstruction or abuse of its powers**, that further declaratory and restrictive clauses should be added: and as extending the ground of public confidence in the government, will

best insure the benificient ends of its institution" Preamble, Bill of Rights U.S. Const.

It is understood by it (Preamble to The Bill of Rights) that the Bill of Rights is intended to prevent the powers of the national government from being used to usurp Christian principle, Christian law, and Christian conscience. Accordingly if Congress has no constitutional power to intefere with petitioners' afforesaid rights of conscience, neither does the lawful judiciary.

The judiciary's only duty in respect to petitioners' rights of conscience is to uphold those rights against all encroachments perpetrated at the national level.

By the words of Holy Trinity Church supra, the first Article of the Bill of Rights protects no other religion or religious practice than Christianity.

Thus, again it would only be by extended Congressional power, purported by the 14th

amendment to exist (all creeds), that this court would sit in judgement of petitioners, with unchristian justices. Without purview of the 14th amendment, which is the manner in which this courts jurisdiction is invoked in the instant cause, only one creed can lawfully be espoused by this court, the creed of Christianity. Only a Christian could properly recognize and espouse the Christian creed.

Christian law, Christian principle, espoused by a Christian court, concerning Christian petitioners, in a Christian nation, is the only way to maintain the protection of Christianity inherent in the first Article of the Bill of Rights.

As to the conscience of petitioners, and the Christian law, petitioners must demand and follow, the law perscribed by the Old and New Testiment, which is the inspired word of God Almighty.

The Holy Bible puts petitioners as well as

this court on notice:

> "...He that shall swear in the earth shall swear by the God of truth..." Isaiah 66:16, Holy Bible (KJV)

All justices of the Supreme Court are required to take an oath of office. (Art. VI sec. 2 U.S. Const.) This oath concludes with an ultimate appeal to God in the words "So help me God". (28 USC sec. 453; 4 F.S.A. 497, R.S. Sec. 712; Sept. 24, 1789, ch. 20, sec. 8, 1 Stat. 76; Op. Atty. Gen. 449).

It is noted that in both the official and unofficial declarations, writings, etc., where the term "God" is used, in our Republic, the reference to "God" means the God known to Abraham, Issac, and Jacob noted in the Old and New Testiment of the Holy Bible as Father, Son, and Holy Spirit.

> "No position can be more clear than that all the federal judges are bound by the solemn obligation of religion to regulate their decisions agreeably to the Constitution of the United States, and that it is the standard of their determination in

all cases that come before them. U.S. v. Callender, 25 Fed. Cas. No. 14,709

The conscience of petitioners, as well as Congressional enactments in the spirit of the Original United States Constutution, require that only those taking an oath "by the God of truth" (a Christian oath) sit in judgement of the petitioners. All other oaths must be considered to be of the anti-christ.

"For many decievers are entered into the world, who confess not that Christ came in the flesh. This is a deciever and an antichrist." II John 1:7, Holy Bible (KJV)

"Whosoever trangresseth, and abideth not in the doctrine of Christ, hath not God. He that abideth in the doctrine of Christ, he hath both the Father and the Son." II John 1:9, Holy Bible (KJV)

"* * * He that honoreth not the Son honoureth not the Father which hath sent him." St. John 5:23, Holy Bible (KJV)

"That unto me (a just God and Savior) every knee shall bow, every tongue shall swear." Isaiah 45:23, Holy Bible (KJV)

By this means we maintain the protection of the first Article of the Bill of Rights against all those who will usurp

Christianity in this established Christian nation. Punishment to the usurper of Christianity will not be by men but by our Creator, the living God.

"Therefore the ungodly shall not stand in the judgement, nor sinners in the congregation of the righteous."
"For the Lord knoweth the way of the righteous: but the way of the ungodly shall perish." Psalms 1:5-6 Holy Bible (KJV)

"I will bring it forth, saith the Lord of hosts and it shall enter... into the house of him that sweareth falsly by My name, and it shall remain in the midst of his house, and shall consume it with the timber thereof and the stones thereof." Zechariah 5:3, Holy Bible (KJV)

As to those who would sit as justice by privilege of the 13th, 14th, 15th and/or the 19th amendments, words inspired by God have clearly told us not to let the stranger set over us, or to suffer a woman to teach.

"Thou shalt in any wise set him King over thee, whom the Lord thy God shall choose: one from amoung thy brethern shalt thou set king over thee: thou mayest not set a stranger over thee, which is not of thy brother." Deut. 17:15 Holy Bible (KJV)

"Let the woman learn in silence with all subjection. But I suffer not a woman to teach, not to usurp authority over the man, but to be in silence." I Timothy 2:11-12, Holy Bible (KJV)

"But I have you know, that the head of every man is Christ; and the head of the woman is the man; and the head of Christ is God." I Corinthians 11:3 Holy Bible (KJV)

The Preamble to the United States Constitution clearly establishes who the stranger is. (Dred Scott v. Sanford, supra, 19 How at 410, 411)

Here the Preamble to the Original United States Constitution and Article III thereof are obviously consistent with the Bible and the Common Law, all of which clearly command that this court be constituted of only free, white, Christian, men, as justices, in adjudication of the instant case. A court constituted otherwise is wholly against the inalienable rights and status of the petitioners, in the instant case, as well as the protections afforded

them by the God of Israel, the Constitution of the United States, and its Bill of Rights.

Finally, it is within reason to question whether certain justices, who sit upon the bench of the United States Supreme Court by virtue of the aforesaid extension of congressional powers rather than by purely judicial authority, will be impartial. The ruling on the instant motion as well as other proceedings in the instant petition will relate to direct interests such Justices hold in respect to the office they presently hold.

This interest is reasonably assumed to exist concerning a judicial officer who is absolutely dependant upon congressional protection of his "civil rights" to maintain his position as an official, viz, protection for them comes from the extention of congressional powers purported by the afforsaid 13th and subsequent

amendments.

As well, if a Justice holds a personal creed other than Christianity and takes an oath with an ultimate appeal to "God", it is reasonable to question his impartiality in the instant case.

> "Any justice * * * of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." 28 USC sec. 455 (a); March 3, 1911, ch. 231, sec. 20, 36 Stat. 1090.

INTENT

The purpose of this motion is to:

1) assure the uncompromised invocation of the common law jurisdiction embodied in the words "in law" in Article III of the original Constitution for the United States of America (1787); and

2) assure the uncompromised invocation of the judicial Power embodied in Article III of said original Constitution of 1787; and

3) assure that those members of the judiciary that deny the authority of the

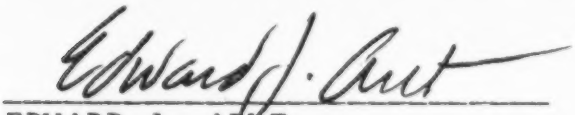
Everliving God of Abraham, Isacc, and Jacob are delivered unto his higher authority (footstool) for judgment. For the Christ said:

> "Whosoever therefore shall confess me before men, him will I confess also before my Father which is in heaven. But whosoever shall deny me before men, him will I also deny before my Father which is in heaven." S. Matthew 10: 32-33 (KJV (1611)

CONCLUSION

Therefore, Petitioners move that by order of the court, or individual recusal, the justices not in compliance with the petitioners rights of conscience and the afformentioned provisions of the original organic law obstain from the proceedings in the instant case: that only a panel of free, white, Christian, male justices hear all proceedings pertaining to the above entitled action, including the hearing of the forgoing motion.

Respectfully Submitted
In service of JESUS THE CHRIST



EDWARD J. ARLT
67TH Judicial District of Texas
5th Judicial Circuit of the Union
1501 Tyler Street
Arlington, Texas
(817) 265-0126
Petitioner - In Propria Persona
Sui Juris

AFFIRMATION OF SERVICE

STATE OF TEXAS)
affirmed:
County of Tarrant)

I, Edward J. Arlt, being of lawful age and competent to testify, do hereby declare and affirm upon my own personal knowledge that I did this same day serve true and correct copies of the foregoing MOTION FOR A FREE WHITE MALE CHRISTIAN BENCH with APPENDIX by placing same in the U.S. Mail, certified, post paid, and addressed to each of the following:

1. Solicitor General of the United States of America
(Certified No. 456687470)
Department of Justice
Washington, D.C. 20530
2. The attorney for the United States in Civil Case
No. CA4-85-118K, U.S. District Court, Northern
District of Texas, Fort Worth Division:
Mary Vance (Certified No. 456687471)
Rm 5031
1100 Commerce St.
Dallas, Texas 75242
3. David O. Belew, Judge (Certified No. 456687472)
U.S. district Court
201 U.S. Courthouse
10th and Lamar Streets
Fort Worth, Texas 76102
4. Lawrence Gibbs, Commissioner
(Certified No. 456687473)
Internal Revenue Service
1111 Constitution Ave. N.W.
Washington, D.C. 20224

5. Edwin Meese, the Attorney General for the United States of America
(Certified No. P456687474)
Constitution Ave and 10th St. NW
Washington, D.C. 20530

6. The Secretary of the Treasury
(Certified No P456687475)
15th & Pennsylvania Ave NW
Washington, D.C. 20220

7. The Commissioner of Social Security
(Certified No. P456687476)
Baltimore, Maryland 21235

8. U.S. House of Representatives
(Certifed Mail No.456687477)
Office of the Speaker, Jim Wright
Capitol Building - Room H-204
Washington, DC 20515

The foregoing is true and submitted in good faith. Further affiant saith not. Submitted this 8th day of October, 1987.

Edward J. Arit
67th Judicial District
1501 Tyler St.
Arlington, Texas
(817) 265-0126

We, the undersigned, witness this day that the one known to us to be the above signator did personally appear before us and upon affirmation execute the above signature hereto.

_____,
Common Law Citizen of the Union

_____,
Common Law Citizen of the Union

_____,
Common Law Citizen of the Union